

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Okawa et al
Application No.
Filed: April 6, 2001
For: ELECTRONIC EQUIPMENT AND
METHOD FOR PROCESSING DIGITAL:
SERIAL DATA AT BUS
INITIALIZATION PHASE IN
INTERFACE UNIT
X

Date: April 9, 2001

Box DAC
Commissioner for Patents
Washington, D.C. 20231

RECEIVED

APR 23 2001

OFFICE OF PETITIONS

AFFIDAVIT OF PHYLLIS KELLY

Sir:

I, PHYLLIS KELLY, declare as follows:

1. I am employed by the firm of Lerner, David, Littenberg, Krumholz & Mentlik, LLP as the manager of U.S. Patent and Trademark Administration. It is one of my responsibilities to ensure that all correspondence mailed to the U.S. Patent and Trademark Office (PTO) via Express Mail includes a receipt date of the "date-in" on the Express Mail label.

2. On April 9, 2001, and in accordance with my normal practice, at approximately 9:15 a.m., I reviewed the Express Mail labels for all documents hand-carried to the Westfield Post Office for delivery to the PTO on Friday, April 6, 2001. I determined that the postal clerk had entered the wrong "date-in" on one of the labels. The label is identified as Express Mail Label No. EL756209292US.

3. In accordance with the firm's normal practice, a USPS computer record is obtained for each document mailed to

the PTO via Express Mail. The computer record for the application mailed bearing Express Mail Label No. EL756209292US contains the mailing date of April 6, 2001, the date the application was deposited at the Westfield Post Office.

4. On April 9, 2001, I contacted Shawn Boyle, the Supervisor of Customer Service at the Westfield Post Office. I was advised by Mr. Boyle that the last scheduled pickup of "Express Mail Post Office to Addressee" service on business days is 6:00 p.m. Mr. Boyle also confirmed that on April 6, 2001, the last scheduled pickup was 6:00 p.m.

5. These statements are being made within one business day after the occurrence.

4/9/01

Date

Phyllis Kelly
PHYLLIS KELLY

STATE OF New Jersey :
: ss:
COUNTY OF Union :

On this 9th day of April, 2001, before me personally came the above-named Phyllis Kelly to me personally known as the individual who executed the foregoing instrument, who acknowledged to me that the same was executed by her of her own free will for the purposes therein set forth.

Suzanne Kahaly
Notary Public

SUZANNE KAHALY
A Notary Public of New Jersey
My Commission Expires January 31, 2005

